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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 10/043,804  | 01/11/2002  | Paul H. DeKeyser     | FAST-I                  | 9078             |
| 7590  | 09/05/2006  |                      | EXAMINER                |                  |
| LEONARD TACHNER<br>A PROFESSIONAL LAW CORPORATION<br>SUITE 38-E<br>17961 SKY PARK CIRCLE<br>IRVINE, CA 92614-6364 |             |                      | TEKLE, DANIEL T         |                  |
|   |             |                      | ART UNIT                | PAPER NUMBER     |
|   |             |                      | 2633                    |                  |
|   |             |                      | DATE MAILED: 09/05/2006 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                 |
|------------------------------|-----------------|-----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)    |
|                              | 10/043,804      | DEKEYSER ET AL. |
|                              | Examiner        | Art Unit        |
|                              | Daniel Tekle    | 2633            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1, 5 and 6 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-4 and 7-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group II in the reply filed on August 14, 2006 is acknowledged.

Claim 1, 5 and 6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group or invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on August 14, 2006.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 7-11 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaka et al. (US 5974218).**

**Regarding Claim 7-11 and 2:** The claims drawn to a method of recording a data comprising: providing a memory; using an index to store different addresses of the

memory for each of a plurality of sequential frames of the data; and retrieving at least a portion of the data by accessing the memory addresses from the index; further the index identifies individual ones of the plurality of frames using at least one of frame number, time, and date; further the different addresses are start addresses; storing individual ones of the plurality of consist of sequential frames in a digital format; the index comprises a table; appending multiples ones of the addresses to the index sequentially during recording.

**Nagasaki et al.** teaches a method of recording a data comprising: providing a memory; using an index to store different addresses of the memory for each of a plurality of sequential frames of the data (**column 11 lines 8-26**); and retrieving at least a portion of the data by accessing the memory addresses from the index (**column 15 and 16, line 64-67 and line 1-6 respectively**); further the index identifies individual ones of the plurality of frames using at least one of frame number, time, and date (**column 15 and 16, line 64-67 and line 1-6 respectively**); further the different addresses are start addresses (**column 11 lines 8-26**); storing individual ones of the plurality of consist of sequential frames in a digital format (**column 11 line 18-30**); the index comprises a table (**column 8 and 9, line 53-67 and 1-7 respectively**); appending multiples ones of the addresses to the index sequentially during recording (**column 10 and 11, lines 65-67 and lines 1-7 respectively**).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nagasaka et al.** as applied to claims 7-11 and 1 above, and further in view of **Akiba et al.**

**Regarding claims 12-14 and 3-4:** The claims drawn to an index to identify addresses that can be overwritten; overwritten a portion of the memory used to store an earlier one of the plurality of sequential frames with a later one of the plurality of sequential frames, and recording corresponding information in the index; further looping the data on the memory by overwriting a portion of the memory used to store an earlier one of the plurality of sequential frames; providing a loop remnant directory to determine a changing boundary between newly ones of the frames and deal-locating at least some of the address from the index.

See the teaching of **Nagasaka et al.** above. **Nagasaka et al.** do not teaches an index to identify addresses that can be overwritten; overwritten a portion of the memory used to store an earlier one of the plurality of sequential frames with a later one of the plurality of sequential frames, and recording corresponding information in the index; further looping the data on the memory by overwriting a portion of the memory used to store an earlier one of the plurality of sequential frames; providing a loop remnant

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directory to determine a changing boundary between newly ones of the frames; further deallocating at least some of the address from the index; however **Akiba et al.** teaches an arrangement of frame buffer correspond to the index picture in a ring buffer technique; a method of frame buffer rewritten one at a time by switching the index picture to the next one; the relationship directory between the new or old frame buffer and index picture is shifted upward one by one (**column 17 and 18, line 61-67 and 1-36 respectively**).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the ring buffer structure of **Akiba et al.** into the digest picture making method of **Nagasaki et al.** because it would have been obvious to one of ordinary skill in the art at the time of the invention to store video frame into buffer memory that has not yet been recorded by overwriting the oldest one with a new one in order to display a complete video picture since a long video recording with a buffer memory using the ring buffer method would produce a better quality picture and would cover the entire clip.

One ordinary skill in the art at the time the invention was made would have had a reasonable expectation of success for combining the teachings of Nagasaki et al. with Akiba et al. because they are in the same field of endeavor (easy and rapid searching of video data) with a future of ring buffer Akiba et al. invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117.

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The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Tekle  
Patent Examiner



SHANON A. FOLEY  
SUPERVISORY PATENT EXAMINER